

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KARL JULIUS JAMES,

Plaintiff,
v.
ORDER
08-cv-568-bbc

MICHAEL THURMER,

Defendant.

Plaintiff has filed a motion for reconsideration of the November 3, 2008 order directing that this case be closed for plaintiff's failure to pay the \$350 filing fee. In a previous order, I explained to plaintiff that as a prisoner and three-strikes litigant, he could not proceed with his complaint in forma pauperis because the matter he raised in his complaint did not qualify for the imminent danger exception to 28 U.S.C. § 1915(g). Plaintiff was given a deadline to pay the \$350 filing fee or he would be considered to have withdrawn the action and the case would be closed. When plaintiff failed to pay the filing fee his case was closed on November 3, 2008.

Also, in the November 3, 2008 order, I addressed plaintiff's submission of several motions asking for recusal and disqualification. I explained to plaintiff that because he had

not paid the \$350 filing fee, and thus could not proceed with his case, there was no point in ruling on these motions. In addition, I told plaintiff that if this case were to be reopened upon his payment of the filing fee, I would take his motions for recusal and disqualification under advisement.

Now plaintiff has filed a motion for reconsideration of the decision not to rule on these motions. He appears to wish to challenge the November 3, 2008 order on appeal and says that the court “must decide the motions that are pending.” This case was closed approximately one and a half years ago. Other than plaintiff’s current motion, there are no pending motions in this case. Moreover, plaintiff had an opportunity to raise on appeal any challenges he has to this court’s orders in this case. He filed a notice of appeal in this case, which was dismissed by the court of appeals on April 30, 2010.

Having reviewed plaintiff’s arguments, I still see no reason to discuss in detail motions in a case that is no longer pending. Therefore, plaintiff’s motion for reconsideration of the November 3, 2008 order will be denied.

ORDER

IT IS ORDERED that plaintiff Karl Julius James's motion for reconsideration of the November 3, 2008 order in this case, dkt. #42, is DENIED.

Entered this 6th day of July, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge